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**STATE OF WASHINGTON  
DEPARTMENT OF FINANCIAL INSTITUTIONS  
CONSUMER SERVICES DIVISION**

IN THE MATTER OF DETERMINING  
Whether there has been a violation of the  
Check Cashers and Sellers of Washington by:

PONG S. KIM, OWNER, d/b/a  
GRANDVIEW MARKET, aka JACK POT,

Respondent.

NO. C-04-186-06-CO01

CONSENT ORDER

COMES NOW the Director of the Department of Financial Institutions (Director), through his designee Chuck Cross, Division Director, Division of Consumer Services, and Pong S. Kim, d/b/a Grandview Market, aka Jack Pot (hereinafter Respondent), and finding that the issues raised in the captioned matter may be economically and efficiently settled, agree to the entry of this Consent Order. This Consent Order is entered pursuant to chapter 31.45 of Revised Code of Washington (RCW), and RCW 34.05.060 of the Administrative Procedure Act, based on the following:

**AGREEMENT AND ORDER**

The Department of Financial Institutions, Division of Consumer Services (Department) and Respondent have agreed upon a basis for resolution of the matters alleged in Statement of Charges No. C-04-186-04-SC01 (Statement of Charges) entered October 19, 2005 (copy attached hereto). Pursuant to chapter 31.45 RCW, the Check Cashers and Sellers Act (Act) and RCW 34.05.060 of the Administrative Procedure Act, Respondent hereby agrees to the Department's entry of this Consent Order and further agrees that the issues raised in the above captioned matter may be economically and efficiently settled by entry of this Consent Order. The parties intend this Consent Order to fully resolve all allegations raised in the Statement of Charges entered October 19, 2005.

CONSENT ORDER  
PONG S. KIM, OWNER, d/b/a  
GRANDVIEW MARKET, aka JACK POT  
NO. C-04-186-06-CO01

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DEPARTMENT OF FINANCIAL INSTITUTIONS  
Division of Consumer Services  
150 Israel Rd SW  
PO Box 41200  
Olympia, WA 98504-1200

1 Based upon the foregoing:

2 A. **Jurisdiction.** It is AGREED that the Department has jurisdiction over the subject matter of the  
3 activities discussed herein.

4 B. **Waiver of Hearing.** It is AGREED that Respondent has been informed of the right to a hearing  
5 before an administrative law judge, and that Respondent has waived the right to a hearing and any and all  
6 administrative and judicial review of the issues raised in this matter, or of the resolution reached herein.

7 C. **Consent to Be Bound By Order.** It is AGREED that the parties shall be bound by the terms and  
8 conditions of this Consent Order as set forth herein.

9 D. **Fine (Partially Stayed).** It is AGREED that Respondent is subject to a fine by the Department in  
10 the amount of \$15,175.00 for violating RCW 31.45.030(1), calculated at \$75.00 per day for 157 days and  
11 \$100.00 per day for 34 days.

12 It is further AGREED that Respondent shall pay to the Department \$2,000.00 of the total fine in the form  
13 of a cashier's check which shall be made payable to the "Washington State Treasurer" and which shall be paid to  
14 the Department immediately upon entry of this Consent Order, and that the balance of the fine (\$13,175.00) shall  
15 be stayed for a period of two (2) years from the date of entry of this Consent Order, subject to the Department's  
16 authority to lift the stay and impose the balance of the fine (\$13,175.00) discussed in paragraph F of this Consent  
17 Order.

18 It is further AGREED that if, upon expiration of said two (2) year period, the stay has not been previously  
19 lifted, and the balance of the fine (\$13,175.00) has not been previously imposed, and if a notification to lift the  
20 stay or proceeding to lift the stay is not then pending by the Director to impose the balance of the fine  
21 (\$13,175.00), then, in such events, the Department shall consider this paragraph of this Consent Order fully  
22 performed and the stayed portion of the fine (\$13,175.00) will not be collected from Respondent.

23 It is further AGREED that, if on the expiration of said two (2) year period a notification to lift the stay or  
24 proceeding to lift the stay is pending by the Director to impose the balance of the fine (\$13,175.00), then those  
25 proceedings shall continue according to the terms of this Consent Order, as discussed in paragraph F below.

CONSENT ORDER  
PONG S. KIM, OWNER, d/b/a  
GRANDVIEW MARKET, aka JACK POT  
NO. C-04-186-06-CO01

1           **E. Prohibition from Participation in the Industry (Stayed).** It is AGREED that Respondent is  
2 subject to a prohibition from participating in the conduct of the affairs of any check casher or seller subject to  
3 licensure by the Director, in any manner, for a period of five (5) years from the date of entry of this Consent  
4 Order.

5           It is further AGREED that this prohibition shall be stayed for the duration of this Consent Order subject to  
6 the Department's authority to lift the stay and impose the five (5) year prohibition pursuant to paragraph F of this  
7 Consent Order.

8           It is further AGREED that if, after two (2) years from the date of entry of this Consent Order, the stay has  
9 not been previously lifted, and the five (5) year prohibition has not been previously imposed, and if a notification  
10 to lift the stay or proceeding to lift the stay is not then pending by the Director to impose the five (5) year  
11 prohibition, and if Respondent has provided the Department with a written statement signed under penalty of  
12 perjury of the laws of the State of Washington that they have complied with the terms and conditions of this  
13 Consent Order, then, in such events, the Department shall consider this paragraph of this Consent Order fully  
14 performed and the stayed five (5) year prohibition will not be imposed on the Respondent.

15           It is further AGREED that if, after two (2) years from the date of entry of this Consent Order, notification  
16 to lift the stay or proceeding to lift the stay is pending by the Director to impose the five (5) year prohibition, then  
17 those proceedings shall continue according to the terms of this Consent Order, as discussed in paragraph F below.

18           **F. Lifting of Stay and Imposing Prohibition.** It is AGREED that:

- 19           1. If the Department determines that Respondent is in violation of RCW 31.45.030(1), RCW  
20 31.45.030(5), RCW 31.45.060 or RCW 31.45.080, or any of the terms and conditions of  
21 this Consent Order and the Department accordingly seeks to lift the stay and impose the  
22 balance of the fine (\$13,175.00) and impose the five (5) year prohibition, the Department  
23 first will notify Respondent in writing of its determination.
- 24           2. Respondent will be afforded ten (10) business days from the date of receipt of the  
25 Department's notification to request in writing an expedited administrative hearing to be  
held before an Administrative Law Judge (ALJ) from the Office of Administrative  
Hearings (OAH).

3. Respondent's request for hearing must be sent to the Department and received by the Department within ten (10) business days of the date of the receipt of the Department's notice.
4. Respondent, in addition to a request for hearing, may provide a written response to include any information pertaining to the alleged noncompliance.
5. The administrative hearing shall be expedited and follow the timing and processes described in this Consent Order.
6. If Respondent does not request the expedited hearing within the stated time, the Department immediately will impose the balance of the fine (\$13,175.00), impose the five (5) year prohibition, and pursue whatever action it deems necessary to collect the balance of the fine and impose the prohibition. The fine is due immediately upon demand by the Department; Respondent must make payment by cashier's check payable to the "Washington State Treasurer."
7. If requested, the hearing will be held within fifteen (15) business days (or as soon as the schedule of the ALJ permits) from the due date for Respondent's request for hearing or from the date of receipt of Respondent's timely request for hearing, whichever is sooner. The parties will accommodate the prompt scheduling of the hearing.
8. The scope and issues of the hearing are limited solely to whether or not Respondent is in violation of RCW 31.45.030(1), RCW 31.45.030(5), RCW 31.45.060 or RCW 31.45.080, or any of the terms and conditions of this Consent Order.
9. At the conclusion of the hearing, the ALJ will issue an initial decision. Either party may file a Petition for Review with the Director of the Department.
10. The Department's notification will include:
  - a) A description of the alleged noncompliance;
  - b) A statement that because of the noncompliance, the Department seeks to lift the stay and impose the balance of the fine (\$13,175.00) and impose the five (5) year prohibition;
  - c) The opportunity for Respondent to contest the Department's determination of noncompliance in an administrative hearing before an ALJ of OAH; and
  - d) A copy of this Consent Order. The notification and hearing process provided in this Consent Order applies only to this Consent Order. It is solely provided in the event Respondent chooses to contest the Department's determination of noncompliance.

**G. Compliance Examinations.** It is AGREED that Respondent is subject to compliance examinations for two (2) years from the date of entry of this Consent Order to be conducted by the Department at the

1 Department's discretion (not to exceed one compliance examination per year), at Respondent's expense.  
2 Respondent further AGREES to promptly respond and address any and all issues, if any, identified in the  
3 compliance examinations to the satisfaction of the Department.

4 **H. Restitution.** It is AGREED that Respondent shall charge no more than a seventy-five cent (\$.75) fee  
5 per \$100.00 check cashed for a period of six (6) months, beginning immediately upon entry of this Consent  
6 Order.

7 **I. Investigation Fee.** It is AGREED that Respondent shall pay to the Department an investigation fee  
8 in the amount of \$3,999.67, calculated at \$66.81 per hour for sixty-seven (67) staff hours devoted to the  
9 examination and investigation, less the \$698.10 paid out of Respondent's application deposit, plus \$221.50 in  
10 expenses related to the examination and investigation, in the form of a cashier's check made payable to the  
11 "Washington State Treasurer" upon entry of this Consent Order.

12 **J. Notification of Current Address and Telephone Number(s).** It is AGREED that during the entire  
13 term of this Consent Order Respondent must notify the Department in writing of any changes in their current  
14 main address and telephone number(s) within five (5) days of such change.

15 **K. Authority of Department.** It is AGREED that nothing in this Consent Order shall be construed as  
16 preventing the Department from fully exercising its authority and enforcing any provision of chapter 31.45 RCW  
17 and chapter 208-630 WAC.

18 **L. Compliance with the Law.** It is AGREED that Respondent shall comply with the Check Cashers  
19 and Sellers Act (chapter 31.45 RCW) and the rules adopted thereunder (chapter 208-630 WAC).

20 **M. Non-Compliance with Order.** It is AGREED that Respondent understands that failure to abide  
21 by the terms and conditions of this Consent Order may result in further legal action by the Director. In the  
22 event of such legal action, Respondent may be responsible to reimburse the Director for the cost incurred in  
23 pursuing such action, including but not limited to, attorney fees.

1           **N. Complete Cooperation with Department.** During the entire term of this order Respondent shall  
2 cooperate fully, truthfully and completely with the Department. A failure to cooperate fully, truthfully and  
3 completely is a breach of this order.

4           **O. Voluntarily Entered.** It is AGREED that the undersigned Respondent has voluntarily entered into  
5 this Consent Order, which is effective when signed by the Director's designee.

6           **P. Completely Read, Understood, and Agreed.** It is AGREED that Respondent has read this Consent  
7 Order in its entirety and fully understands and agrees to all of the same.

8 RESPONDENT:

9 Pong S. Kim, d/b/a Grandview Market, aka JackPot  
10 By:

11 Pong S. Kim  
12 Pong S. Kim  
13 Owner

11 1/31/06  
12 Date

14 DO NOT WRITE BELOW THIS LINE

15 THIS ORDER ENTERED THIS 3rd DAY OF February, 2006.



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CHUCK CROSS  
CHUCK CROSS  
Director  
Division of Consumer Services  
Department of Financial Institutions